

U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

September 28, 2023

BY ECF

The Honorable Paul A. Engelmayer United States District Judge Southern District of New York Thurgood Marshall U.S. Courthouse 40 Foley Square New York, NY 10007

Re: United States v. Justin Rivera, 19 Cr. 131 (PAE)

Dear Judge Engelmayer:

The Government respectfully requests that the Court unseal the enclosed portion of the trial transcript, attached to this letter as Exhibit A, from the above-referenced case on the basis that the original need for sealing no longer exists. The Court originally ordered that this portion of the trial transcript be sealed to protect the defendant from unfair prejudice relating to a prior investigation by local law enforcement of a triple homicide and related kidnapping.

Because that investigation was subsequently disclosed in open court, continued sealing is no longer justified. See, e.g., Trial Tr. 904-13 (discussion concerning the triple homicide and kidnapping (attached to this letter as Exhibit B)).

[Intentionally left blank]

¹ The Government is submitting the relevant trial transcript under seal, pending the resolution of this request.

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The Government requested yesterday defense counsels' position regarding this unsealing request, but as of this filing defense counsel has not yet provided their position.

Respectfully submitted,

DAMIAN WILLIAMS United States Attorney for the Southern District of New York

By:

/s/

Thomas S. Burnett Daniel H. Wolf Assistant United States Attorneys (212) 637-1064/2337

cc:

Defense counsel (by ECF)

GRANTED. The Clerk of Court is requested to terminate the motion at Dkt. No. 1005.

SO ORDERED.

10/3/2023

Panl A. Engeling

PAUL A. ENGELMAYER United States District Judge